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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Airey *et al.*

Appl. No. 09/614,363

Filed: July 12, 2000

For: **Display System Having Floating
Point Rasterization and Floating
Point Framebuffering**

Confirmation No.

Art Unit: (to be assigned)

Examiner: (to be assigned)

Atty. Docket: 15-4-632.51

Petition Under 37 C.F.R. § 1.47(a)**RECEIVED**

APR 11 2002

OFFICE OF PETITIONS

Commissioner for Patents

Washington, D.C. 20231

Adjustment date: 10/01/2002
04/09/2002 SSANDARA 00000012 09614363
02 FC:122 -130.00 OP
Repln. Ref: 10/01/2002 STRAKELLEY 0008553600
DAH:190036 Name/Number:09614363
FC: 704 \$130.00 CR

In accordance with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §

409.03(a), Petitioner has filed herewith the following documents:

- (1) A copy of original Declaration and Power of Attorney for a Patent Application executed by John M. Airey, Mark S. Peercy, David L. Dignam, Christopher J. Migdal, and Danny D. Loh, all fulfilling the requirements of 37 C.F.R. § 1.47(a);
- (2) Statement of Facts In Support Of Filing On Behalf Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a) from Michael B. Ray, Esq.; and
- (3) Statement of Facts In Support Of Filing On Behalf Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a) from Crystal D. Sayles, Esq.

The Declaration and Power of Attorney for a Patent Application has been signed by five of the seven named joint inventors. John Montrym and Robert A. Drebin have not executed the Declaration and Power of Attorney for a Patent Application. Petitioner submits that the Declaration and Power of Attorney for a Patent Application signed by John M.

04/09/2002 SSANDARA 00000012 09614363

02 FC:122

130.00 OP

Airey, Mark S. Peercy, David L. Dignam, Christopher J. Migdal, and Danny D. Loh, with the signature block of the non-signing inventors left blank, should be considered as having been signed by all the joint inventors on behalf of the non-signing inventors. *See* M.P.E.P. § 409.03(a)(A). The Declaration and Power of Attorney for a Patent Application also indicates the last known addresses of the non-signing inventors as required by M.P.E.P. § 409.03(a)(C).

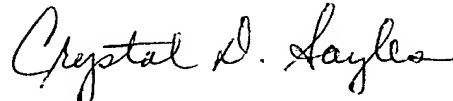
The Statement of Facts In Support Of Filing On Behalf Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a) from Michael B. Ray, Esq. provides proof of the pertinent facts regarding the refusal of Robert A. Drebin to receive a copy of the application papers (specification, including claims, drawings, and oath or declaration) for signature. The Statement of Facts In Support Of Filing On Behalf Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a) from Crystal D. Sayles, Esq. provides proof of the pertinent facts regarding the refusal of John Montrym to receive a copy of the application papers (specification, including claims, drawings, and oath or declaration) for signature.

Petitioner therefore respectfully submits that the documents and fees filed herewith satisfy all the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §§ 409.03(a), (d), and (e).

Accordingly, Petitioner respectfully requests that this Petition Under 37 C.F.R. § 1.47(a) be granted.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Crystal D. Sayles
Attorney for Petitioner
Registration No. 44,318

Date: April 8, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600



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Dear Sir:

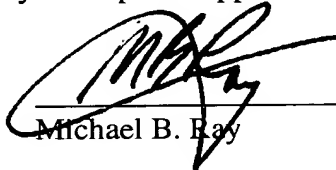
OFFICE OF PETITIONS

I, Michael B. Ray, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of nonsigning inventor under 37 C.F.R. § 1.47(a) with regards to U.S. Patent Application Serial No. 09/614,363, filed July 12, 2000 (hereinafter referred to as the "patent application").
2. I am registered to practice before the U.S. Patent and Trademark Office with Reg. No. 33,997.
3. I am a patent attorney and a Director at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C. (hereinafter "SKGF"), 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934.
4. On March 21, 2002, a Power of Attorney from Assignee (Silicon Graphics, Inc. or "SGI") was filed in the patent application appointing U.S. attorneys at SKGF to prosecute the application and any continuation, divisional, continuation-in-part, or reissue application thereof.
5. Mr. Robert A. Drebin is an inventor named in the patent application. The last known address of Mr. Drebin is: 1100 Cedar Street, Palo Alto, California 94301.
6. Mr. Robert A. Drebin is now employed by ATI Technologies, Inc., ATI Research Silicon Valley, Inc., 2805 Bowers Avenue, Santa Clara, California 95051-0917.

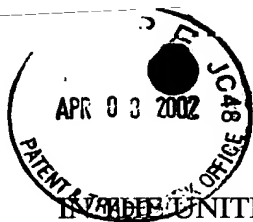
7. On March 15, 2002, in a telephone conference with Michael B. Ray and Crystal D. Sayles, Mr. Drebin was provided the title of the patent application and asked whether he remembered the patent application. He indicated that he did. We reminded him that he had not signed the Declaration for this application. He was then asked if he were to be sent a copy of the patent application (specification, including drawings, claims, and a Declaration) would he have any objections to reading the patent application, signing the Declaration, and returning the application and the executed Declaration to us for filing with the U.S. Patent and Trademark Office. Mr. Drebin indicated that he did not want to review the patent application if it contained any confidential information belonging to SGI.
8. On March 27, 2002, Michael B. Ray and Crystal D. Sayles telephoned Mr. Drebin at ATI Technologies, Inc. We left a voice mail message informing Mr. Drebin that our research revealed that the patent application may contain confidential information owned by SGI. The message also asked Mr. Drebin whether he would be willing to review the application and sign the Declaration.
9. In a telephone call with Michael B. Ray on April 1, 2002, Mr. Drebin stated that he did not want to receive the patent application (specification, including drawings, claims, and a Declaration), did not want to review the patent application, and therefore would not sign the Declaration.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.



Michael B. Ray

Date: 4/8/02



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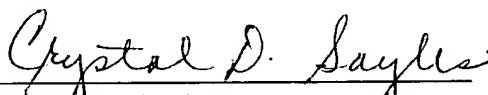
OFFICE OF PETITIONS

I, Crystal D. Sayles, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of nonsigning inventor under 37 C.F.R. § 1.47(a) with regards to U.S. Patent Application Serial No. 09/614,363, filed July 12, 2000 (hereinafter referred to as "the patent application").
2. I am registered to practice before the U.S. Patent and Trademark Office with Reg. No. 44,318.
3. I am a patent attorney employed with the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C. (hereinafter "SKGF"), 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934.
4. On March 21, 2002, a Power of Attorney from Assignee (Silicon Graphics, Inc. or "SGI") was filed in the patent application appointing U.S. attorneys at SKGF to prosecute the application and any continuation, divisional, continuation-in-part, or reissue application thereof. Such attorneys including Michael B. Ray, with whom I am working with on the patent application.
5. Mr. John Montrym is an inventor named on the above-identified patent application. The last known address of Mr. Montrym is: 1429 Miravalle Avenue, Los Altos, California 94024.
6. Mr. John Montrym is now employed by NVIDIA Corporation located at 2701 San Tomas Expressway, Santa Clara, CA 95050.

7. On March 14, 2002, in a telephone conference with Crystal D. Sayles, Mr. Montrym was provided the title of the patent application and asked whether he remembered the patent application. He indicated that he did. He was then asked if he were to be sent a copy of the patent application (specification, including drawings, claims, and a Declaration) would he have any objections to reading the patent application, signing the Declaration, and returning the application and the executed Declaration to SKGF for filing with the U.S. Patent and Trademark Office. Mr. Montrym indicated that he would have to present this issue to the legal department of his present employer before he could answer this question. Mr. Montrym indicated that he would get back with us within a day.
8. On March 26, 2002, in a telephone conference with Crystal D. Sayles, Mr. Montrym indicated that he had spoken with the legal department of his company on the previous day (*i.e.*, March 25, 2002), and that they had advised him not to sign the declaration.
9. On March 27, 2002, in a telephone conference with Crystal D. Sayles, Mr. Montrym explicitly stated that he is not willing to receive the patent application (specification, including drawings, claims, and a Declaration) for review, and therefore, is not willing to sign the Declaration.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.


Crystal D. Sayles

Date: April 8, 2002